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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
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11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 vs.

14 Ramiro Gil-Guerra, aka "Chato,"

15 Defendant.
16

) Case No.: 13-889-R

) ORDER OF DETENTION
17

I.

18 A. (X) On motion of the Government in a case allegedly involving:

19 1. () a crime of violence.

20 2. () an offense with maximum sentence of life imprisonment or death.

21 3. (x) a narcotics or controlled substance offense with maximum sentence
22 of ten or more years.

23 4. () any felony - where defendant convicted of two or more prior offenses
24 described above.

25 5. () any felony that is not otherwise a crime of violence that involves a
26 minor victim, or possession or use of a firearm or destructive device
27 or any other dangerous weapon, or a failure to register under 18
28 U.S.C. § 2250.

1 B. (x) On motion by the Government/() on Court's own motion, in a case
2 allegedly involving:

3 (x) On the further allegation by the Government of:

4 1. (x) a serious risk that the defendant will flee.

5 2. () a serious risk that the defendant will:

6 a. () obstruct or attempt to obstruct justice.

7 b. () threaten, injure or intimidate a prospective witness or
8 juror, or attempt to do so.

9 C. The Government (x) is/() is not entitled to a rebuttable presumption that no
10 condition or combination of conditions will reasonably assure the defendant's
11 appearance as required and the safety of any person or the community.

12
13 **II.**

14 A. (x) The Court finds that no condition or combination of conditions will
15 reasonably assure:

16 1. (x) the appearance of the defendant as required.

17 (x and/or

18 2. x) the safety of any person or the community.

19 B. (x) The Court finds that the defendant has not rebutted by sufficient evidence to
20 the contrary the presumption provided by statute.

21
22 **III.**

23 The Court has considered:

24 A. The nature and circumstances of the offense(s) charged, including whether the
25 offense is a crime of violence, a Federal crime of terrorism, or involves a minor
26 victim or a controlled substance, firearm, explosive, or destructive device;

27 B. The weight of evidence against the defendant;

28 C. The history and characteristics of the defendant; and

1 D. The nature and seriousness of the danger to any person or the community.

2
3 IV.

4 The Court also has considered all the evidence adduced at the hearing and the
5 arguments and/or statements of counsel, and the Pretrial Services
6 Report/recommendation.

7
8 V.

9 The Court bases the foregoing finding(s) on the following:

10 A. (x) As to flight risk:

11 Defendant evaded arrest in prior drug related criminal case by failing to contact law
12 enforcement and/or surrender after a search warrant was executed at defendant's residence
13 and defendant's family members were repeatedly contacted by law enforcement agents
14 and informed that an arrest warrant had been issued for defendant. In addition, defendant
15 is facing a mandatory minimum sentence of ten years in the instant case, has family ties
16 to Mexico, prior immigration contacts and an immigration detainer.

17
18 B. (X) As to danger:

19 Defendant is charged with conspiracy and possession with intent to distribute a
20 substantial amount of methamphetamine. The allegations in the indictment suggest that
21 defendant held a position of trust within a drug trafficking organization, in that it is
22 alleged that defendant met with a confidential informant and an undercover agent to
23 negotiate the sale of methamphetamine. The court also notes that defendant's prior
24 criminal history involves a federal felony drug conviction for which defendant was
25 sentenced to a term of 48 months in custody in 2008 (United States v. Gil-Guerra, CR 05-
26 99-OWW, Eastern District of California), and a possession of controlled substance
27 conviction in 2012 for which defendant successfully completed a drug diversion program.
28 The instant offense occurred shortly after the 2012 drug diversion program was completed

1 which suggests that defendant continues to pose a danger to the community and to others.

2
3 **VI.**

4 A. () The Court finds that a serious risk exists the defendant will:

5 1. () obstruct or attempt to obstruct justice.

6 2. () attempt to/ () threaten, injure or intimidate a witness or juror.

7 B. The Court bases the foregoing finding(s) on the following:

8 _____
9 _____
10 _____

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12 **VII.**

13 A. IT IS THEREFORE ORDERED that the defendant be detained prior to trial.

14 B. IT IS FURTHER ORDERED that the defendant be committed to the custody of the
15 Attorney General for confinement in a corrections facility separate, to the extent
16 practicable, from persons awaiting or serving sentences or being held in custody
17 pending appeal.

18 C. IT IS FURTHER ORDERED that the defendant be afforded reasonable opportunity
19 for private consultation with counsel.

20 D. IT IS FURTHER ORDERED that, on order of a Court of the United States or on
21 request of any attorney for the Government, the person in charge of the corrections
22 facility in which defendant is confined deliver the defendant to a United States
23 marshal for the purpose of an appearance in connection with a court proceeding.

24
25
26 DATED: 4/21/14


27 ALKA SAGAR
28 UNITED STATES MAGISTRATE JUDGE